

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JAMES A. GREENE,

Plaintiff,

-against-

22 CIVIL 5261 (JMF)

JUDGMENT

NEW YORK STATE DEPARTMENT OF
TAXATION AND FINANCE and CAPITAL
ONE, N.A.,

Defendants.

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It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated December 8, 2022, the Court concludes that, even giving Greene the "special solicitude" to which he is entitled as a *pro se* litigant, *Tracy v. Freshwater*, 623 F.3d 90, 101 (2d Cir. 2010), Defendants' motions are granted. Additionally, the Court has declined to *sua sponte* grant Greene leave to amend. The Court certifies, pursuant to Title 28, United States Code, Section 1915(a)(3), that any appeal from the Memorandum Opinion and Order would not be taken in good faith and, thus, in forma pauperis status is denied. See *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962); accordingly, the case is closed.

Dated: New York, New York

December 9, 2022

RUBY J. KRAJICK

Clerk of Court

BY:

K. mango

Deputy Clerk